

REMARKS

Claims 1 and 38 have been amended, claims 27-34 and 39 were previously withdrawn, and claims 1, 3-5, 8, 9, 19-26, and 35-38 stand rejected.

The Examiner rejected claims 1, 3-5, 8, 9, and 19-26 under 35 U.S.C. §102(b) as being anticipated by *Higham, et al.* Amended claim 1 recites that the temporary storage portion “receives said desired quantity of construction articles from the lockable storage chest.” In *Higham, et al.*, the pharmaceutical articles are stored in and remain in the receptacles (124, 216) until removed by a user and are not dispensed from a lockable storage chest to a temporary storage portion as recited in claim 1. Accordingly, claim 1 and its dependent claims are properly allowable.

Additionally, claim 1 recites “a door defined at least partially along a longitudinal length of said storage chest that selectively moves a desired quantity of construction articles from said plurality of construction articles...” The reference fails to disclose a door that selectively moves a desired quantity of articles as recited in claim 1. In *Higham, et al.*, there is a cover (134) that is lockable and unlockable to provide access to the receptacle (124). Thus, the cover (134) does not physically or actively move the articles, as recited in the claim. The cover (134) merely opens to provide access to the receptacle (124). Accordingly, *Higham, et al.* cannot anticipate claim 1, and the rejection should be withdrawn.

Regarding claim 8, the Examiner argues that the chest of *Higham, et al.* is water-resistant. Respectfully, the reference does not disclose that the chest is water-resistant. Furthermore, since the chest of *Higham, et al.* is a pharmaceutical chest for indoor use, there is no need for it to be water-resistant, whereas Applicant’s material storage chest is usable outdoors at construction sites and requires protection from weather elements. For this additional reason, claim 8 is properly allowable.

Regarding claim 4, the Examiner provides no basis for rejecting this claim. Claim 4 recites that the numerical value of claim 3 is “limited to a pre-determined quantity.” This feature

is neither disclosed nor suggested by the cited reference. Accordingly, claim 4 is properly allowable.

The Examiner rejected claims 35-38 under 35 U.S.C. §103(a) as being unpatentable over *Higham, et al.* Regarding claim 35, the Examiner admits that *Higham, et al.* is silent as to the specifics of an employee identification being an employee number. However, the Examiner argues that employee identification means are commonly well known in the art and that providing employee identification numbers to *Higham, et al.* identification information would have been obvious. Respectfully, the Applicant disagrees. For one thing, just because something is well known in the art does not mean that it is obvious to use it in combination with the cited reference. Indeed, the rejection even fails to state any motivation why one would provide *Higham, et al.* with employee identification numbers. Furthermore, although employee identification numbers may be well known for some things, the Applicant challenges the commonality of using employee identification numbers for dispensing secured articles. Thus, the Applicant respectfully requests that the Examiner provide evidence that employee identification numbers are well known within the art of dispensing secured articles, or withdraw the rejection. Accordingly, claim 35 is properly allowable.

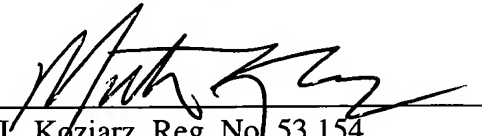
Regarding claim 38, the Examiner argues that the second side comprises the actuating door to move the desired quantity of articles. As explained above, *Higham, et al.* does not disclose a door that actively moves any quantity of articles. Indeed, the chest of *Higham, et al.* merely provides access to a quantity of articles and it is up to the user to select how many articles to take once access is provided. Accordingly, claim 38 is properly allowable.

A check in the amount of \$395 for a Request for Continued Examination is enclosed herewith. If any additional fees are due, however, the Commissioner is authorized to charge

Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C., for any additional fees or credit the account for any overpayment.

Respectfully Submitted,


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CERTIFICATE OF MAIL

I hereby certify that the enclosed Response is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 10 day of July, 2006.


Laura Combs